

Decision 03-02-055 February 27, 2003

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of Kundan Singh Dhami to establish a zone of rate freedom from its current tariff rates, pursuant to the provisions of Section 454.2 of the Public Utilities Code.

Application 02-11-003
(Filed November 5, 2002)

O P I N I O N

Summary

This decision grants the application of Kundan Singh Dhami (Applicant), a corporation, to establish a zone of rate freedom (ZORF) pursuant to Pub. Util. Code § 454.2.

Discussion

Applicant is authorized by Decision (D.) 01-03-015, dated March 15, 2001, to operate as a passenger stage corporation (PSC-13988) to transport passengers and their baggage on an on-call basis between points in Alameda, Santa Clara, and San Mateo Counties, on the one hand, and San Francisco (SFO), Oakland (OAK), and San Jose (SJC) International Airports, on the other hand.

Applicant requests authority to establish a ZORF of \$10 above and below any of his current fares of \$30 and under, \$15 above and below any current fares between \$31 and \$44, and \$20 above and below any current fares of \$45 and above, published in his Passenger Tariff NO. 1, CA PUC-1, filed with the Commission. Applicant will compete with other PSCs, taxicabs, limousines, buses, and automobiles in its service area. This highly competitive environment should result in Applicant pricing his services at a reasonable level. Many other

PSCs have been granted ZORFs. The requested ZORF is generally consistent with the ZORFs held by other PSCs.

Notice of filing of the application appeared in the Commission's Daily Calendar on November 6, 2002.

In Resolution ALJ 176-3099 dated November 7, 2002, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protest has been received. Given this status, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-3099.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util. Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Assignment of Proceeding

Richard Clark is the assigned Examiner in this proceeding.

Findings of Fact

1. Applicant is currently authorized to operate as a passenger stage corporation on an on-call basis between points in Alameda, Santa Clara, and San Mateo Counties, on the one hand, and SFO, OAK, and SJC, on the other hand.
2. Applicant requests authority to establish a ZORF of \$10 above and below any of his current fares of \$30 and under, \$15 above and below any current fares between \$31 and \$44, and \$20 above and below any current fares of \$45 and above.
3. Applicant will compete with PSCs, taxicabs, limousines, buses, and automobiles in its operations. The ZORF is fair and reasonable.
4. No protest to the application has been filed.
5. A public hearing is not necessary.

6. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusions of Law

1. The application for a ZORF should be granted.
2. Before Applicant changes any fares under the ZORF authorized below, Applicant shall give this Commission at least ten days' notice. The tariff should show between each pair of service points the high and low ends of the ZORF and the then currently effective fare.
3. Since the matter is uncontested, the decision should be effective on the date it is signed.

O R D E R

IT IS ORDERED that:

1. Kundan Singh Dhami (Applicant), an individual, is authorized under Pub. Util. Code § 454.2 to establish a zone of rate freedom (ZORF) of \$10 above and below any of his current fares of \$30 and under, \$15 above and below any the current fares between \$31 and \$44, and \$20 above and below any current fares of \$45 and above, published in his tariff filed with the Commission.
2. Applicant shall file a ZORF tariff in accordance with the application on not less than ten days' notice to the Commission and to the public. The ZORF shall expire unless exercised within 120 days after the effective date of this order.
3. Applicant may make changes within the ZORF by filing amended tariffs on not less than ten days' notice to the Commission and to the public. The tariff shall include between each pair of service points the authorized maximum and minimum fares and rates and the fare and rate to be charged.

4. In addition to posting and filing tariffs, Applicant shall post notices explaining fare changes in his terminals and passenger-carrying vehicles. Such notices shall be posted at least ten days before the effective date of the fare changes and shall remain posted for at least 30 days.

5. The Application is granted as set forth above.

6. This proceeding is closed.

This order is effective today.

Dated February 27, 2003, at San Francisco, California.

MICHAEL R. PEEVEY

President

CARL W. WOOD

LORETTA M. LYNCH

GEOFFREY F. BROWN

SUSAN P. KENNEDY

Commissioners

